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OFFICE OF PETITIONS

In re Application of :
Yoshitomo Tokumoto et al :
Application No. 10/081,518 :
Filed: February 25, 2002 :
Attorney Docket No. 1560-0377P :

ON PETITION

This is a decision on the petition filed June 13, 2006 under 37 CFR 1.313(c)(2), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed as moot** for the reasons stated below.


A review of the file record discloses that a Notice of Allowance was mailed on March 22, 2006, with the issue fee being due on or before June 22, 2006.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of March 22, 2006 has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

The \$130 fee submitted for the petition under 37 CFR 1.313(c)(2) is unnecessary; therefore, petitioner may request a refund of this fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany petitioner's request.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3210.

This matter is being referred to Technology Center Art Unit 2855.


Irvin Dingle
Petitions Examiner
Office of Petitions